

Hon. Madeleine Z. Bordallo of Guam
October 7, 2009

Hafa Adai. This is Congresswoman Bordallo speaking to you from Washington via satellite message on the issue of Guam war claims.

Since my election to Congress in 2002, my top legislative priority has been and continues to be the passage of the Guam World War II Loyalty Recognition Act.

On the first day of the 111th Congress, this current Congress, I introduced the Guam World War II Loyalty Recognition Act as H.R. 44, and one month later, the bill passed the U.S. House of Representatives by a vote of 299 yeas to 99 noes.

As many of you are aware, in the previous Congress, the 110th, the Guam war claims legislation has been sent to the Senate and was brought to the floor for passage but was objected to by Senator DeMint on behalf of a small group of fiscal conservatives.

In fact, it was then Senator Obama who worked closely with his colleague Chairman Patrick Leahy of Vermont to “fast track” war claims under unanimous consent in the Senate. This effort has been undertaken twice over the past two years and opposition in the Senate remains.

As such, and in an effort to gain full consideration of war claims in the Senate, I along with the support of Congressman Ike Skelton, Chairman of the House Armed Services Committee, and Congresswoman Louise Slaughter, Chairwoman of the House Committee on Rules, were successful in amending the National Defense Authorization Act for Fiscal Year 2010 to include the full text of H.R. 44.

Although, the Senate version of the National Defense Authorization did not include H.R. 44 in their bill, the legislative process requires that the House and Senate reconcile the differences in their bills in a conference committee.

Over the past month, the leadership of the House and Senate Armed Services Committees have been in negotiations to iron out the differences between the House and Senate defense authorization bills.

There has been strong support for H.R. 44 during these informal conference negotiations, with letters from leaders on Guam including Governor Camacho and Lieutenant Governor Cruz, Speaker Won Pat and all the majority Senators, Minority Leader Eddie Calvo and all the minority Senators, and Senator Frank Blas, Jr., former Governors Paul Calvo and Joe Ada and former Lieutenant Governors Kurt Moylan and Frank Blas, Sr., and the mayors of Guam. We also received support from 42 bipartisan members of the House of Representatives; the House Democratic Caucus; Senator Inouye and Senator Akaka of Hawaii. Members of our community across the country sent letters and e-mails to Capitol Hill urging Chairman Carl Levin and Ranking Republican Member John

McCain of the Senate Armed Services Committee to keep H.R. 44 in the final defense bill to be reported out of Conference.

The Obama Administration also fulfilled the President's commitment to the people of Guam by sending a letter to Chairman Levin and Ranking Member McCain stating that the Administration, and I quote, strongly supports the inclusion of the Guam World War II Loyalty Recognition Act in the final conference report on the defense authorization.

During conference committee negotiations, Chairman Levin and Ranking Member McCain raised serious concerns about keeping war claims in the final defense authorization bill.

The Senate's concerns were two fold:

- First, they were concerned about the precedence that might be set in future defense authorization bills if war claims remained on the defense bill, especially for other groups such as former POWs;
- Second, there was serious concern about payment of claims for personal injury to spouses and children of survivors in the case where the survivor has since passed away after the war; let's call this group the deceased survivor heirs.

Chairman Levin and Ranking Member McCain offered a compromise on Guam war claims in the final defense bill if I agreed to limit claims only to those killed during the war and to those living survivors of the occupation.

I did not accept that offer because we have other legislative options that may yet be successful. I believe that the offer to remove the deceased survivor heirs would be something that we accept only after all other possibilities for passing the war claims bill are exhausted. I repeat – I could not accept recognizing only the survivors and not the heirs.

However, as a means to continue progress, the conference committee leadership agreed to require the House and Senate Armed Services Committees to hold hearings on H.R. 44 and that this issue will be re-addressed in next year's defense authorization bill if it has not been resolved by other efforts.

I know that we have been down this road before but we have made significant progress and I believe that hearings will help to openly air the concerns raised by the Senate and will give our leaders and our people the opportunity to help make the case that this is good policy, that it is the right thing to do and that it is important for the military build-up to be successful.

I wish to report that conferees from the House and the Senate signed off on the Conference report for the National Defense Authorization Act for Fiscal Year 2010. The

conference report will now be put to a vote in both chambers of Congress, and if accepted, will be sent to President Obama to be signed into law.

While the full text of H.R. 44 will not be in this year's defense authorization bill, the compromise that was reached will allow us to address the Senate's concerns and the commitment was made to include H.R. 44 in next year's defense authorization if it has not yet passed. This gives us a clear path to addressing the Senate's concerns, mobilizing our friends in this effort, and bringing closure to the effort. If we are not able to pass H.R. 44 in the Senate in the next year, then we will see it again in the National Defense Authorization for Fiscal Year 2011.

It pains me that we could not resolve this issue for all of those affected by the occupation. But I committed to you that I will fight for all the groups of people, including those who survived the war and are still alive, as well as the families of those who survived the war and are now deceased. We have a short amount of time that we have been given to overcome Senate objections to including heirs of deceased survivors. This group deserves to have one more chance to include them in the final bill next year. Working with the Governor, the Guam Legislature, the survivors of the occupation, and our community united in purpose, I believe that we will use this last opportunity to full effect and that our voices will be heard loud and clear by those in the Senate that do not agree with H.R. 44.

All the progress we made in this current effort continues as we move forward. We still have President Obama's support. We still have the House leadership's support, and Chairman Skelton's support. We still have letters and expressions of support from Senate Majority Leader Reid and the Senate Committee on Energy and Natural Resources and the Senate Committee on the Judiciary. We have the support of the House Committee on Natural Resources and the House Committee on the Judiciary. When all is said and done, you will know that every avenue has been taken, every opportunity has been exploited and every effort has been made to pass war claims. And if we reach the end of the road next year and must make a difficult decision, you will know that we all tried our best to include everyone and that we have done the best that we could for the people of Guam.

To quote the late Senator Ted Kennedy, "The work goes on, the cause endures, the hope still lives, and the dream should never die."

Thank you, Si Yu'us Ma'ase, and Maraming Salamat Po.